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STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



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SUPERINTENDENT OF  
PUBLIC INSTRUCTION

TO: LEA and ISD Superintendents, Public School Academy Authorizers and Directors

FROM: Jeremy M. Hughes, Ph.D., Chief Academic Officer/Deputy Superintendent

DATE: July 11, 2005

**SUBJ: DRAFT SCHOOL REPORT CARDS AND AYP  
DETERMINATION FOR STUDENT PROFICIENCY  
USING ALTERNATE ACHIEVEMENT STANDARDS  
(MI-ACCESS)**

This memo covers three items related to the Michigan School Report Card for 2005: Report Card Appeal Deadline, 1% Cap on proficient scores for students with the most severe cognitive impairments, and 2% Cap on proficient scores for students with disabilities assessed on alternate standards.

**Report Card Appeal Deadline**

The Department of Education has made available the draft 2005 School Report Cards for authorized users at the web site <http://ayp.mde.state.mi.us/ayp>. Appeals are now being accepted, so that the appeals may be reflected in the Report Cards when they are released to the public in August. The time period for filing an appeal of the 2005 report cards will be through midnight of July 15, 2005. No appeals will be accepted after this period. Note that this deadline applies to Report Card appeals, including corrections to any data that is included in the draft Report Cards. The firmness of this timeline is necessary in order to meet the August target date for the public release of the report cards.

Because the decisions made based upon AYP classifications are such high-stakes decisions for individual schools, it is important to account for a margin of error to be more accurate in classifying schools as making or not making AYP. Michigan has selected a measurement error confidence interval for the purposes of accounting for error in making AYP decisions. This is a new provision that has been added to improve the accuracy of AYP determinations in the 2005 Report Card. The measurement error provision is described in the updated *Guide to Reading the Michigan School Report Cards - 2005 Edition* that is available on the Report Card web site.

**1% Cap**

Also, you may have read that the U.S. Education Department (USED) announced a change in how students with disabilities who participate in alternate assessments such as MI-Access are

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counted, for accountability purposes only, in the No Child Left Behind (NCLB) law. In December 2003, the USED announced rules for the reporting of students with disabilities who participated in alternate assessments. The rules permit up to 1% of total district enrollment at the grades assessed for students, who participate in alternate assessment and surpassed or attained the performance standard on the alternate assessment, to be counted as "proficient" for the AYP determination. Please note that this regulation does not limit the number of students who can participate in alternate assessment (MI-Access). At the current time, the percentage of Michigan students participating in the alternate assessment, MI-Access, is closer to 3%.

USED's policy allows states to apply to increase the 1% cap to a higher percentage. Michigan had applied for this federal exception, but that request is now moot, because of the new 2% flexibility. Michigan's plan is to follow the federal guidance, which provides that the 1% and 2% be separate caps, operating under very different sets of federal criteria.

The current draft School Report Cards reflect the 1% cap as it was in place at the time the appeal window began. This means that we had suppressed, for AYP purposes, the proficient scores of many students who participated in MI-Access alternate assessments. The cap is computed by taking no more than one percent of the district February 2005 headcount enrollment at each grade level where students are assessed in the state assessment system. This means the calculation of the number of student scores that are proficient (in each local school district) is not rounded upward.

We have designed a plan to implement the newly approved flexibility, while trying to be mindful of the current summer recess, and of paperwork demands. School districts and PSAs may choose to take various actions, depending on which of the MI-Access assessments that students took and the impact of any suppressed proficient scores on the determination of AYP.

The 1% cap applies to students with "the most significant cognitive disabilities" as provided in current federal rules. The 1% cap will apply only to students that took the MI-Access *Participation* and *Supported Independence* (Phase 1) assessments. The federal rules require that the Department approve an exception in cases where the district wishes to exceed the 1% cap at the district level.

School districts and PSAs that had an approved application for exception to the 1% cap in the 2004 Report Card cycle will **not** need to submit the application again. The plan is to look at all of the factors outlined in the attached *Application for an Exception to the 1% Cap Form* when the MDE makes decisions on each application for an exception. **The MDE is now accepting additional applications, from school districts and PSAs that did not apply last year, for local exemptions to the 1% cap.** The attached form is provided for districts to submit requests for exceptions to the 1% cap. The due date for exception applications is July 29, 2005. Note that this deadline applies only to those districts that are applying for an exception to the 1% cap. This deadline is different from the deadline for Report Card appeals. No applications for the exception will be accepted after this date.

### **The new 2% Cap**

The new flexibility announced by USED defines an additional 2% of the students across the state in an “in-between group” that may be reported as proficient for NCLB accountability purposes, if the students’ performance category is Surpassed the Performance Standard or Attained the Performance Standard. The federal plan is that the 1% and 2% be separate caps, determined with different criteria. These caps are targeted toward different groups of students with disabilities. USED will need to issue new regulations, as early as this fall, to put the new flexibility into place. Michigan has received approval for the Option 2 interim flexibility for use on 2005 School Report Cards.

The 2% cap applies to the “in-between group” which includes students that took the MI-Access *Interim Phase 2.1 BRIGANCE* Functional Independence assessment. We will use the newly approved interim flexibility to lift the suppression on these scores in cases where the proficient suppressed scores have an impact on AYP for the students with disabilities subgroup at the school or district level. MDE will review impact data regarding AYP and impact data regarding appropriate assessment decisions in making a decision as to whether to lift the suppression on these scores for a district. There is no action that the school or district needs to take regarding this issue. We will contact district staff if there is any question regarding whether to lift the suppression on these scores.

We are very much aware that some schools did not make AYP because of the 1% cap rule in 2004-05. We are working hard to resolve all appeals and to apply the 1% exceptions and 2% flexibility for all districts and schools in time for the public release of the Report Cards in August.

Please feel free to contact Peggy Dutcher at (517) 241-4416 (email [dutcherp@michigan.gov](mailto:dutcherp@michigan.gov)) or Paul Bielawski at (517) 335-5784 (email [bielawp@michigan.gov](mailto:bielawp@michigan.gov)) if you have questions or if you need additional information on this issue.

Michigan Department of Education  
Office of Educational Assessment and Accountability

Contact Peggy Dutcher at  
(517)241-4416 or Paul  
Bielawski at (517)335-5784 for  
questions or more information.

## 2005 Application for an Exception to the 1% Cap on Students Proficient Using Alternate Proficiency Standards

**Instructions:** A local or intermediate school district may use this form to apply for an exception from the federal rules which permit up to 1% of enrolled students in each grade assessed, who participate in alternate assessment for students with disabilities and surpass or attain the performance standard on MI-Access, to be counted as "proficient" for Adequate Yearly Progress (AYP).

**Due Dates:** The application **must** be received by July 29, 2005. **No applications will be accepted after the due date.**

**Authority:** Submission of this form is voluntary. The data collection is authorized by federal regulation contained in volume 34, section 200.13(c)(3)(i) of the Code of Federal Regulations

<b>School District Name</b>	
<b>School District Code</b>	
<b>Contact Person</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email Address</b>	

### Certification

I certify the information contained in this application is true and correct, to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title of Authorized Official  
(Please Print)

1. Explanation of circumstances leading to enrollment of more than 1% of students with significant cognitive disabilities. Please describe any center or regional programs that lead to students coming from other districts to attend programs in the district. *Please be specific.*

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2. Data showing incidence rate of students with the most significant cognitive disabilities. *Suggestions of evidence include the number of students at the grades assessed, where the exception is requested for each special education category, confirmatory data that explains why the district has programs or facilities attracting more students with significant cognitive disabilities, etc.*

**NOTE: if no information is provided, the application will not be reviewed.**

3. Please describe the guidelines used by IEP teams to determine when a child's significant cognitive disability justifies the alternate assessment based on alternate achievement standards.

4. Describe how parents are informed that their child will be assessed based on alternate achievement standards, including information about the implications of participation in the alternate assessment if the district has identified consequences for students based on assessment results (e.g., passing an assessment is a requirement for graduation).

5. Documentation that describes how students with the most significant cognitive disabilities are included, to the extent possible, in the general curriculum and assessments aligned with that curriculum.

6. Efforts taken by the district to develop, disseminate information on, and promote use of appropriate instructional *and* assessment accommodations.

7. Efforts taken to ensure teachers and other staff know how to administer assessments, including appropriate use of accommodations, such as professional development or guidance documents used.